



# *Sanctuary Advisory Council Workshop*

## **Resolving the Joint Management Area Issue**

*a presentation by*

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# The Joint Management Area

<i>Area</i> <i>Variable</i>	Joint Management Area	Gulf of the Farallones NMS	Monterey Bay NMS
Area (sq. mi)	1398	1280	5322
Comp (%)	<i>na</i>	109	26
Shoreline (mi)	56	83	268
Comp (%)	<i>na</i>	67	21



# Why Are We Here?

- The Problem

- Since the mid 1990's, the management of resources, and delivery of programs and services to the communities of the Joint Management Area have varied in quantity, quality and direction.
- The NMSP and the public have recognized this “problem” many times over the past decade.

- Our Goal

- To present and gather additional information necessary to resolve internal disparities and address public concerns regarding the Joint Management Area.



## Our Objectives Today

- Hear from the communities, stakeholders, partners, elected officials, and others regarding the Joint Management Area.
- Participate in discussions on this topic with Advisory Council members of the Gulf of the Farallones and Monterey Bay National Marine Sanctuaries.
- Ensure there is a thorough understanding of the data collected and information developed to assess the present and future management and protection of resources in this area.



## How Did This Problem Evolve?

- Initially, the Joint Management Area was a creative solution to the limitations of the Early Operations (or “start-up”) Phase of the Monterey Bay National Marine Sanctuary where funds and staffing were limited.
- Subsequently, difficulty in modifying initial agreements as MBNMS evolved from Early Operations to Mature Operations Phase created confusion and variation in the quantity, quality, and direction of management in this area.



# Overview

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- ✓ Chronology of Events
- JMPR Process
- Cross Cutting Boundary Assessment
- Programmatic Considerations Associated with Boundary Modifications
- What Have We Heard?



# Chronology Of Events

- Jan. 1981** Point Reyes-Farallon Islands NMS Designation.
- Sep. 1992** Monterey Bay NMS Designation.
- Oct. 1992** Initial assignment of managerial responsibilities for the northern portion of the MBNMS to the GFNMS Manager.
- Mar. 1993** Clarification of temporary delegation of management responsibilities in northern area of MBNMS to the GFNMS manager due to MBNMS staff shortage and to streamline coordination. *All responsibilities addressed according to MBNMS regulations defined in NMSA 922.4.*
- Jun. 1996** Confirmation of status quo for temporary continuation of management authority for the northern portion of MBNMS to the GFNMS manager.  
Determination to eventually end this delegation in order to remain true to the MBNMS designation once several issues evaluated.



# Chronology Of Events

- Jan. 1997**     Joint management structure created:  
Management of northern portion of MBNMS changed to a cooperative management structure.
- Jan/Feb 97**     Joint Management Task Force created to  
generate memorandum of understanding (MOU) for joint management structure.
- Sep. 1997**     Joint Management Task Force term extended to  
coincide and coordinate with hiring of new MBNMS Manager.
- Oct. 1997**     First drafts of Cooperative Management MOUs.  
Task Force was never convened.





# Chronology Of Events:

## *On a Path to Resolution*

Jan. 2000	Comments / concerns received by Director's Office. <u>(Extensive comments received by previous directors)</u>
Oct. 2000	Dan Basta appointed NMSP Director.
Jan. 2001	NMSP established the Half Moon Bay Office.
Fall 2001	Decision to address Joint Management Area as part of Joint Management Plan Review.
Feb. 2003	Internal Assessment Team begins initial evaluation.
July 2003	MB and GF Advisory Councils provide comment and recommendations regarding Phase I of evaluation.
Today	Sanctuary Advisory Council Workshop



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# Recap:

## *Joint Management Plan Review*

### Public Scoping

- *Fall 2001: 20 meetings held; 4,000 unique comments received. An additional 8,500 letters, petitions and emails. Less than 100 concerning the Joint Management Area.*

### Issue Prioritization

- *Spring 2002: Advisory Councils provide recommendations for priority issues, including the Joint Management Area.*

### Action Plan Development

- *Fall 2002: Final Work Plan released and priority issues identified.*
- *Winter-Spring 2003: Issue-based working groups and internal teams convene to develop draft action plans.*
  - *42 action plans, 29 working groups, 13 internal teams*
- *Summer 2003: Draft action plans developed; SACs provide recommendations to NMSP.*
- *Fall 2003: Revise Action Plans & develop Management Plans.*



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# What Was The Charge?

To bring together key NMSP staff and work through a process designed by the group that will generate a supportable and logical resolution to the Joint Management Area issue using clear and concise analytical thinking and teamwork.

Key components of this evaluation were:

- Spatial data and information
- Internal administrative structure
- Existing regulatory framework



# What Was The Process?

- Phased Evaluation Process

- Phase I – Internal Team (including SAC Observers)
- Phase II – Sanctuary Advisory Council Review
  - *Today's meeting*
- Programmatic Stage
- Conclusion

- Sources of Information

- Multiple federal and state agencies, academia, archival

- Tools

- GIS Spatial Analysis, multivariate & discriminate analyses, visual assessments, team ground-truthing



# Who Was The Team?

## Team Participants

Bill Douros (MBNMS, Superintendent)  
Maria Brown (GFNMS, Assist. Manager)  
Dan Howard (CBNMS, Manager)  
Sean Morton (MB MPR Coordinator)  
Anne Walton (GF/CB MPR Coordinator)  
Brady Phillips (JMPR Coordinator)  
Dave Lott (NMSP)  
Julie Barrow (NMSP)

## SAC Observers

Jim Kelly (GFNMS SAC)  
Richard Charter (GFNMS SAC)  
Stephanie Harlan (MBNMS SAC)  
Dan Haifley (MBNMS SAC)

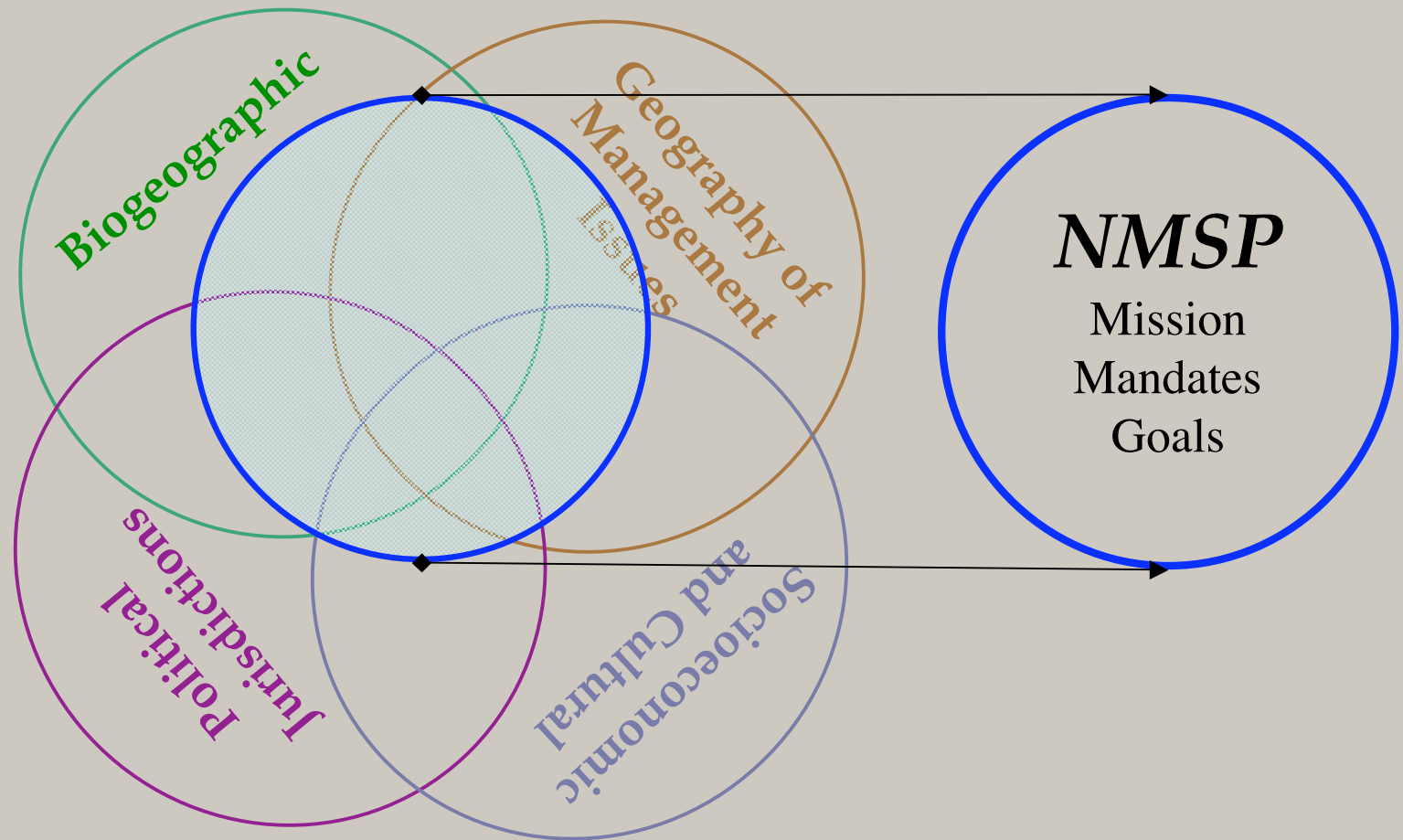
## Experts

Rod Ehler (Socioeconomic)  
Dr. Larry Claflin (Statistics)  
Dr. Mark Monaco (Biogeography)  
Wendy Morrison (Biogeography)

## Team Lead

Mitchell Tartt (NMSP)

# Boundary Determination Requires Balancing Complex Relationships







# NMSP Boundary Evaluation Criteria

## Good boundaries:

- Provide for comprehensive and coordinated conservation and management.
- Maintain the natural biological communities.
- Allow for increased protection, and where appropriate, restoration of natural habitats, populations, and ecological processes.
- Support public awareness, understanding, appreciation, stewardship, and participation.
- Enhance coordination of research and monitoring of resources.
- Enable more efficient and cost-effective uses of program resources.



# What Information Did We Gather?

## *Biogeography*

- Physical parameters (*~15 data sets*)
  - Oceanographic, bathymetric, etc.
- Fish (*~30 data sets*)
  - Species, assemblages, diversity, abundance, etc.
- Birds (*~20 data sets*)
  - Species, colonies, biomass, diversity, density, pers, etc.
- Marine Mammals (*~15 data sets*)
  - Species (12), rookeries, haul-outs, persistence, etc.
- Plants and Invertebrates (*Limited data sets*)
- Integration (*~15 data sets*)
  - Cumulative, Overlaps, Merges, Models, etc.



# What Did We Learn?

## *Biogeography: Big Picture*

- Assessment for shelf and slope environments does not suggest major biogeographic shifts in the Joint Management Area.
- Biological gradients exist within the Joint Management Area; however, they do not indicate major biogeographic shifts.
- Some concern remains that additional information could be incorporated into the evaluation.



# What Information Did We Gather?

## *Jurisdictions*

- **Federal (~15)**
  - Congressional Districts, EPA, Coast Guard, NPS, forests, recreation areas, MPAs, OCSLA, Contiguous Zone, etc.
- **State (~10)**
  - Counties, Senate & Assembly Districts, census cities, CDFG, WQ Control Board, state parks, MPAs, etc.
- **Miscellaneous (~10)**
  - Vessel traffic, over-flight, use zones, ownership, etc.



# What Did We Learn?

## *Jurisdictions: Big Picture*

- Jurisdictional boundaries varied greatly in scale and authority across the marine and terrestrial areas of the GFNMS, MBNMS and JMA.
- There were no systematic patterns promoting a single delineation that incorporated all concerns.



# What Information Did We Gather?

## *Socio/Economic and Cultural*

- **Demographic (~8)**
  - Cities, pop. density and change, tourism, travel, etc.
- **Activities (~10)**
  - Fishing, aquaculture, desalination, dredging, coastal access, ports and harbors, research institutions, etc.
- **Public and Constituent Comment (>100)**
  - Written comment from JMPR scoping and unsolicited submissions.
  - Oral comment from JMPR scoping.
  - Advice and recommendations from Sanctuary Advisory Councils.



## What Did We Learn?

### *Socio/Economic and Cultural: Big Picture*

- Although there are several regional population “centers” (SF Bay, Pacificia / HMB, Monterey Bay) that are interlinked, no distinct delineations other than county lines appear appropriate.
  - Residents may live, work, or recreate in multiple regions, and visitors travel between.
- No new boundary delineations appear to better group activity patterns among Sanctuaries.



## What Did We Learn?

### *Socio/Economic and Cultural: Big Picture*

- No public consensus exists on the boundary issue, however, the following messages have been received:
  - The program is not efficiently delivering services and programs to communities in the JMA.
  - There is confusion as to which site is responsible for managing and implementing programs in the JMA.





# What Information Did We Gather?

## *Geography of Management Issues*

- Harvesting
- Desalination
- Disposal / Discharge
- Vessel Operation
- Anchoring
- Fishing
- Coastal Infrastructure
- Agriculture
- Beach Maintenance
- Navigation
- Mineral Exploration & Extraction
- Cables
- Aquaculture



# What Did We Learn?

## *Geography of Management Issues: Big Picture*

- The occurrence and distribution of management issues are wide spread across the marine and terrestrial areas of the GFNMS, MBNMS and JMA.
- As it pertains to these issues, significant modifications to the boundary would not result in a net improvement to management efficiency or resource protection and could have significant costs.



## What Else Must Be Considered?

- Regardless of the type or reason for a modification, evaluating the programmatic requirements is essential and significant.
- The steps, timing, and costs of boundary modifications also must be evaluated.



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# What Are Programmatic Considerations?

- Programmatic considerations address all the legal, procedural, and administrative requirements necessary to modify MB and GF NMS boundaries.
- *The key programmatic considerations are:*
  1. Changing Terms of Designation
  2. Changing Regulations & Management Plans
  3. Statutory Considerations
  4. Administrative Costs



# What Are Programmatic Considerations?

## *Terms of Designation*

- A sanctuary boundary is a “term of designation” as defined in the National Marine Sanctuaries Act (NMSA) and found in the Sanctuary Designation Document.
- A term of designation may be changed only by following the applicable rigorous procedural and substantive requirements and procedures by which a sanctuary is designated.



# What Are Programmatic Considerations?

## *Terms of Designation*

- Requirements

- Make determinations and findings, and conduct consultations.
- Prepare appropriate designation documents (e.g., environmental impact statement, revised draft management plan, and proposed regulations).
- Provide public notice and comment, and hold at least one public hearing.
- Provide proposed designation documents to Congress and the Governor of California (45 days of continuous session of Congress).
- Final changes take effect after the close of a period of 45 days of continuous session of Congress.



# What Are Programmatic Considerations?

## *MB & GF Regulations & MPs*

- Critical Components
  - Assess existing MBNMS and GFNMS regulations and potential JMPR regulatory changes to determine appropriate regulatory regime.
  - Any regulatory changes would be evaluated for the entire GFNMS as modified.
  - JMPR proposed Action Plans must be revisited and would likely require modification.
  - Follow requirements of NMSA, NEPA, and the APA.





# What Are Programmatic Considerations?

## *MBNMS Statutory Considerations*

- Critical Components

- The Oceans Act of 1992 established effective date of MBNMS designation and statutory oil and gas ban. Nonetheless, NOAA may administratively change the MBNMS boundary.
- However, there are various interpretations as to what happens to the statutory oil and gas prohibition should the MBNMS boundary be moved.
- Consequently, to ensure that resource protection is not compromised, NMSP would work with NOAA and DOC to evaluate the need to prepare legislation to clarify that the geographic scope of the ban does not change.
- Such legislation would need DOC and OMB clearance.



# What Are Programmatic Considerations?

## *Administrative Costs*

- ❖ **Total Cost(\$): 330K - 370K**
  - ❖ Procedural (\$): 100K - 120K & staff time(hrs): 2,900
  - ❖ Administrative (\$): 230K - 250K & staff time(hrs): 480
    - e.g., signage, exhibits, education, outreach
  - ❖ (*Cost Partners*(\$): 100K – 800K)
- ❖ **Total Staff Time(hrs): 3,400**
- ❖ **Total Process Time(yrs): Additional 6 m/1 year**
  - ❖ (Approximately 18m currently remain in JMPR)



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# What Have We Heard?

## *Internal Boundary Assessment Team*

- Findings Statements
- Provided draft recommendation for review and comment by Advisory Councils.
  - Include small northern area of the MBNMS off the Marin County coast (the “panhandle”) in the GFNMS. Proposed boundary would be delineated by line connecting the southern boundary of Exemption Area to GFNMS roughly west of Point San Pedro.



# What Have We Heard?

## *Advisory Council Actions/Motions*

### GFNMS Advisory Council

- Expressed significant concern about the appropriateness of process, validity of report, and lack of public input.
- Recommended that these boundary concerns be addressed separate from the JMPR through alternate public process.

### MBNMS Advisory Council

- Accepted the findings as delivered but not the recommendation to move the boundary at this time.
- Requested additional information regarding potential need for congressional action for boundary modification before additional deliberation on the topic.



# Where Are We Now And Where Are We Going?

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- ✓ Advisory Council Workshop: 12/4/03
- Final Written Comments: 1/5/04
- Final Advisory Council Comments: 1/5/04
- NMSP Decision: *by* 1/31/04



## Concluding Comment:

*What are we trying to do?*

1. Ensure protection of resources is maintained or improved.
2. Increase quality of NMSP programs and services to local communities.
3. Reinforce or rejuvenate a sense of ownership and coastal stewardship within the communities.
4. Provide for more efficient and cost-effective uses of program resources.



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